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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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IN THE MATTERS OF )

NORCOM COMMUNICATIONS CORPORATION )  
ASS'N FOR EAST END LAND MOBILE COVERAGE )  
LMR 900 ASSOCIATION OF SUFFOLK )  
METRO NY LMR ASSOCIATION )  
NY LMR ASSOCIATION )  
WIRELESS COMM. ASSOCIATION OF SUFFOLK COUNTY )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

WTB DOCKET NO. 98-181

TO: HON. ADMINISTRATIVE LAW JUDGE JOHN M. FRYSIK

MOTION FOR EXTENSION OF TIME

Norcom Communications Corp. ("Norcom"), by its attorneys and pursuant to section 1.323(b) and 1.325(a)(2) of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby moves the Presiding Judge to extend the time periods by which Norcom is required to respond to two recent discovery requests initiated by the Wireless Telecommunications Bureau ("Bureau") in this proceeding.

On February 26, 1999, the Bureau served Norcom with its first set of interrogatories, for which a response is due no later than March 12, 1999. Similarly, on that same date, the Bureau served Norcom with its first request for production of documents, for which a response is due no later than March 11, 1999.<sup>1</sup> Norcom moves the Presiding Judge to permit it to respond to both discovery requests by no later than March 19, 1999, subject to such further extensions which may be necessary, as discussed below.

<sup>1</sup> The Bureau's discovery requests indicate that service was made on Norcom via facsimile and first-class mail on February 26, 1999. Counsel for Norcom did not receive any facsimile transmissions from the Bureau.

*ATG*

Norcom seeks an extension of time for several reasons. As an initial matter, the Bureau's requests, many of which contain multiple subparts, require Norcom to spend considerable time producing documents and verifying facts. Many of the Bureau's interrogatories, for example, request information regarding events that occurred and documents that were created in 1991 -- over eight years ago. As the Presiding Judge is aware, Norcom is a small business with only a few employees. The Bureau's onerous requests will require that Norcom divert its limited personnel from operational issues to devote to responding to the Bureau. Requiring Norcom to respond in the time frame otherwise specified in the rules would necessitate that it cease operations altogether, thereby jeopardizing its business operations.

Additionally, as Norcom informed the Presiding Judge through counsel at the pre-hearing conference on January 7, 1999, Norcom wishes for the Bureau to engage in good-faith settlement negotiations. The Bureau has conducted such negotiations with Norcom on a preliminary basis and counsel for the Bureau has informed counsel for Norcom that the Bureau is still considering settlement of this matter. It would be burdensome to Norcom and contrary to public policy to require Norcom to respond to the Bureau's request for discovery while good faith negotiations toward settlement continue. In light of these negotiations, counsel for the Bureau indicated that the Bureau would interpose no objection to the Presiding Judge extending the deadline for Norcom to respond to both of the Bureau's requests for discovery up to and including March 19, 1999. While Norcom now requests a brief extension of time to respond to the Bureau's requests for discovery in this Motion, it


reserves the right to seek a further extension of time to respond to these requests in the event that the good faith settlement negotiations envisioned by the FCC's rules, continue.

Finally, the FCC still has not acted on Norcom's Application for Review of the denial of its Freedom of Information Act ("FOIA") request. Norcom's Application for Review was submitted on December 21, 1998, and the agency has failed to comply with the statutory deadline for acting on Norcom's FOIA appeal. Accordingly, it would be a violation of due process for the Presiding Judge to permit the agency to ignore its obligation to make available public records, while requiring Norcom to provide similar information. Both parties to this proceeding should have equal access to relevant materials. While Norcom now requests only a brief extension of time in this Motion, it reserves the right to seek a further extension based on the Commission's continued failure to respond to Norcom's Application for Review.

WHEREFORE, THE PREMISES CONSIDERED, Norcom requests that the Presiding Judge grant its Motion and extend the deadline for Norcom to respond both of the Bureau's outstanding requests for discovery up to and including March 19, 1999.

Respectfully submitted,

NORCOM COMMUNICATIONS CORPORATION

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Dated: March 9, 1999

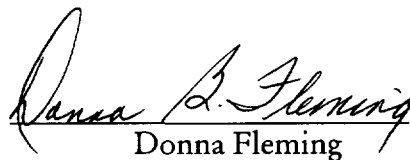
**CERTIFICATE OF SERVICE**

I, Donna Fleming, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 9th day of March, 1999, caused to be sent by facsimile and first-class mail, a copy of the foregoing Motion to the following:

Honorable John M. Frysiak  
Administrative Law Judge  
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